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HOUSE BILL 136

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Rick Miera

FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

AN ACT

RELATING TO PUBLIC SCHOOL PERSONNEL; PROVIDING A LICENSING
FRAMEWORK FOR EDUCATIONAL ASSISTANTS; PROVIDING FOR MINIMUM
SALARIES; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 22-10A-17.1 NMSA 1978 (being Laws
2004, Chapter 30, Section 1) is amended to read:

"22-10A-17.1. EDUCATIONAL ASSISTANTS--LICENSING
FRAMEWORK--QUALIFICATIONS--MINIMUM SALARIES.--

A. All persons who perform services as educational
assistants in public schools or [~~in those special state-~~
~~supported schools within~~] state agencies must hold valid,
educational assistants licensure issued by the [~~public~~
~~education~~] department. Educational assistants shall be
assigned, and serve as assistants, to school staff [~~duly~~]

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1 licensed by the [~~public education~~] department. While there may
2 be brief periods when educational assistants are alone with and
3 in control of a classroom of students, their primary use shall
4 be to work alongside or under the direct supervision of [~~duly~~
5 ~~licensed staff~~] a teacher.

6 [B. ~~The public education department will, through~~
7 ~~appropriate rules, institute a licensure system for educational~~
8 ~~assistants. The highest level of license must ensure that~~
9 ~~educational assistants who hold that level of licensure meet~~
10 ~~the standard for paraprofessionals established in federal~~
11 ~~statute and regulation for employment in a Title I program.~~
12 ~~Educational assistants hired on or after January 8, 2002, who~~
13 ~~provide instructional support in a Title I program, must meet~~
14 ~~the qualifications for the highest level of licensure on the~~
15 ~~effective date of this statute. Paraprofessionals hired prior~~
16 ~~to January 8, 2002, must meet the qualifications for the~~
17 ~~highest level of licensure by January 8, 2006.~~

18 C. ~~The minimum annual salary for licensed~~
19 ~~educational assistants shall be twelve thousand dollars~~
20 ~~(\$12,000) effective in the 2004-2005 school year.~~

21 D. ~~The minimum salaries specified in Subsection C~~
22 ~~of this section may be adjusted in accordance with~~
23 ~~appropriations for that purpose in each school year as~~
24 ~~established by the secretary of public education.~~

25 E. ~~School districts shall initiate the~~

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1 ~~implementation of a career salary framework that supports the~~
2 ~~licensure system in public education department rules in fiscal~~
3 ~~year 2005.]~~

4 B. A level one educational assistant license is a
5 provisional two-year license for beginning educational
6 assistants who do not meet the qualifications for other levels
7 of educational assistant licensure. A level one educational
8 assistant license requires as a condition of licensure that the
9 educational assistant undergo an annual intensive performance
10 evaluation by a school administrator or state agency indicating
11 that the educational assistant has satisfactorily demonstrated
12 educational assistant competencies for two full school years
13 before applying for a level two license; provided, however,
14 that a person may meet the qualifications for a level three or
15 level four license and be licensed at one of those levels
16 without first holding a level one license. A person seeking a
17 level one educational assistant license shall:

18 (1) hold a high school diploma or its
19 equivalent;

20 (2) be eighteen years of age; and

21 (3) provide certification from the local
22 superintendent or state agency that the person seeking
23 licensure has satisfactorily completed an orientation session
24 pertinent to the assignment.

25 C. A level two license is a nine-year license

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1 granted to an educational assistant who meets the
2 qualifications for that level and who annually demonstrates
3 educational assistant competencies. A person seeking a level
4 two educational assistant license shall:

5 (1) hold a high school diploma or its
6 equivalent;

7 (2) be eighteen years of age;

8 (3) provide certification from the local
9 superintendent or state agency that the person seeking
10 licensure has satisfactorily completed an orientation session
11 pertinent to the assignment; and

12 (4) provide certification from the local
13 superintendent or state agency that the person seeking
14 licensure has satisfactorily demonstrated the educational
15 assistant competencies at level one for two full school years.

16 D. A level three license is a nine-year license
17 granted to an educational assistant who meets the
18 qualifications for that level and who annually demonstrates
19 educational assistant competencies. A person seeking a level
20 three educational assistant license shall:

21 (1) hold a high school diploma or its
22 equivalent;

23 (2) be eighteen years of age;

24 (3) provide certification from the local
25 superintendent or state agency that the educational assistant

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1 has satisfactorily completed an orientation session pertinent
2 to the assignment; and

3 (4) complete forty-eight semester hours of
4 academic credit awarded by a nationally or regionally
5 accredited college or university that include at least the
6 following fifteen semester hours in nonremedial coursework:

7 (a) three hours of language arts-reading
8 or language arts-reading pedagogy;

9 (b) three hours of writing or writing
10 pedagogy;

11 (c) three hours of mathematics or
12 mathematics pedagogy; and

13 (d) six hours of reading, writing and
14 math readiness; professional education; classroom management;
15 teaching assistance; or special education; or

16 (5) obtain a passing score of at least seventy
17 percent on a test administered pursuant to department rules; or

18 (6) successfully demonstrate competency
19 through a portfolio assessment administered pursuant to
20 department rules.

21 E. A level four license is a nine-year license
22 granted to an educational assistant who meets the
23 qualifications for that level and who annually demonstrates
24 educational assistant competencies. A person seeking a level
25 four educational assistant license shall meet all of the

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1 requirements for holding a level three educational assistant
2 license and, in addition, shall have earned an associate or
3 higher degree from a nationally or regionally accredited
4 college or university.

5 F. The minimum salaries for each licensure level
6 for educational assistants employed by school districts or
7 state agencies are:

8 (1) for level one educational assistants,
9 thirteen thousand dollars (\$13,000);

10 (2) for level two educational assistants,
11 fourteen thousand dollars (\$14,000), to be implemented in
12 fiscal year 2011;

13 (3) for level three educational assistants,
14 fifteen thousand dollars (\$15,000), to be implemented in fiscal
15 year 2012; and

16 (4) for level four educational assistants,
17 seventeen thousand dollars (\$17,000), to be implemented in
18 fiscal year 2013.

19 G. Each school district shall implement a career
20 salary framework that supports the licensure system for
21 educational assistants. Salary increments above the minimums
22 required pursuant to Subsection F of this section constitute
23 the remainder of the framework and shall be based on training
24 and experience as well as other factors deemed appropriate by
25 the school district.

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